United Nations Convention on the Law of the Sea CLCS/64

Commission on the Limits of the Continental Shelf

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Statement by the Chairman of the Commission on the Limits of the Continental Shelf on the progress of work in the Commission

1. The Commission on the Limits of the Continental Shelf held its twenty-fourth session at United Nations Headquarters from 10 August to 11 September 2009, pursuant to the decision taken at its twenty-second session (see CLCS/60, para. 62) and to paragraph 49 of General Assembly resolution 63/111. The plenary part of the session was held from 24 August to 4 September. The periods from 10 to 21 August and from 8 to 11 September were used for the technical examination of submissions at the Geographic Information System (GIS) laboratories and other technical facilities of the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs.

2. The following members of the Commission attended the session: Alexandre Tagore Medeiros de Albuquerque, Osvaldo Pedro Astiz, Lawrence Folajimi Awosika, Harald Brekke, Galo Carrera Hurtado, Francis L. Charles, Peter F. Croker, Indurlall Fagoonee, Mihai Silviu German, Abu Bakar Jaafar, George Jaoshvili, Emmanuel Kalngui, Yuri Borisovitch Kazmin, Wenzheng Lu, Isaac Owusu Oduro, Yong Ahn Park, Sivaramakrishnan Rajan, Michael Anselme Marc Rosette, Philip Alexander Symonds and Kensaku Tamaki. Fernando Manuel Maia Pimentel could not attend the session for reasons beyond his control.

3. The Commission had before it the following documents and communications:

(a) Provisional agenda (CLCS/L.27);

(b) Statement by the Chairman of the Commission on the Limits of the Continental Shelf on the progress of work in the Commission at its twenty-third session (CLCS/62);

(c) Submissions made pursuant to article 76, paragraph 8, of the United Nations Convention on the Law of the Sea, and addressed through the Secretary-General of the United Nations to the Commission by, respectively:

(i) France (in respect of French Guiana and New Caledonia);

(ii) Barbados;

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(iii) United Kingdom of Great Britain and Northern Ireland (in respect of Ascension Island);

(iv) Indonesia (in respect of North West of Sumatra Island);

(v) Japan;

(vi) Mauritius and Seychelles (in respect of the Mascarene Plateau);

(vii) Suriname;

(viii) Myanmar;

(ix) France (in respect of the French Antilles and the Kerguelen Islands);

(x) Yemen (in respect of south-east of Socotra Island);

(xi) United Kingdom of Great Britain and Northern Ireland (in respect of Hatton Rockall Area);

(xii) Ireland (in respect of Hatton-Rockall Area);

(xiii) Uruguay;

(xiv) The Philippines (in respect of the Benham Rise region);

(xv) The Cook Islands (in respect of the Manihiki Plateau);

(xvi) Fiji;

(xvii) Argentina;

(xviii) Ghana;

(xix) Iceland (in respect of the Ægir Basin area and the western and southern parts of the Reykjanes Ridge);

(xx) Denmark (in respect of the Faroe Islands);

(xxi) Pakistan;

(xxii) Norway (in respect of Bouvetøya and Dronning Maud Land);

(xxiii) South Africa (in respect of the mainland of its territory);

(xxiv) The Federated States of Micronesia, Papua New Guinea and the Solomon Islands (in respect of the Ontong Java Plateau);

(xxv) Malaysia and Viet Nam (in respect of the southern part of the South China Sea);

(xxvi) France and South Africa (in respect of the Crozet Archipelago and the Prince Edward Islands);

(xxvii) Kenya;

(xxviii) Mauritius (in respect of Rodrigues Island);

(xxix) Viet Nam (in respect of North Area (VNM-N));

(xxx) Nigeria;

(xxxi) Seychelles (in respect of the Northern Plateau Region);

(xxxii) France (in respect of La Réunion Island and Saint-Paul and Amsterdam Islands);

(xxxiii) Palau;

(xxxiv) Côte d'Ivoire;

(xxxv) Sri Lanka;

(d) Notes verbales received from, respectively: Argentina (21 April 2009); Bangladesh (23 July 2009); Barbados (31 July 2009); China (two notes verbales dated 7 May 2009, as well as two notes verbales dated, respectively, 24 August 2009 and 25 August 2009); Denmark (two notes verbales dated 27 May 2009 and one note verbale dated 15 June 2009); Ghana (two notes verbales dated 28 July 2009); Iceland (two notes verbales dated 27 May 2009 and one note verbale dated 15 June 2009); India (26 March 2009); Indonesia (two notes verbales dated, respectively, 30 April 2009 and 7 August 2009); Japan (26 August 2009); Kenya (30 April 2009); Malaysia (two notes verbales dated, respectively, 20 May 2009 and 21 August 2009); Maldives (4 August 2009); Mexico (21 August 2009); Morocco (16 May 2009); Myanmar (4 August 2009); New Zealand (three notes verbales dated 29 June 2009); Nigeria (22 June 2009); the Netherlands (28 August 2009); Norway (7 July 2009); Oman (7 August 2009); Palau (15 June 2009); Philippines (three notes verbales dated 4 August 2009); Portugal (28 May 2009); Russian Federation (two notes verbales dated, respectively, 15 June 2009 and 24 August 2009); Somalia (two notes verbales dated 19 August 2009); Spain (two notes verbales dated, respectively, 28 May 2009 and 10 June 2009); Sri Lanka (two notes verbales dated, respectively, 2 March 2009 and 22 July 2009); Suriname (9 July 2009); Trinidad and Tobago (29 April 2009); United Kingdom of Great Britain and Northern Ireland (6 August 2009); United States of America (three notes verbales dated, respectively, 4 June 2009, 30 June 2009, 19 August 2009); Vanuatu (12 August 2009); and Viet Nam (two notes verbales dated, respectively, 8 May 2009 and 18 August 2009);

(e) Letter dated 20 April 2009 from the Chairman of the Commission on the Limits of the Continental Shelf addressed to the President of the nineteenth Meeting of States Parties (SPLOS/195);

(f) Report of the nineteenth Meeting of States Parties to the Convention (SPLOS/203).

Item 1
Opening of the twenty-fourth session by the Chairman of the Commission

4. The session was opened by the Chairman of the Commission, Mr. Albuquerque, who, on behalf of the Commission, welcomed the new Director of the Division, Serguei Tarassenko.

5. The Director made a brief statement in which he referred to the sharp increase in the number of submissions and to the request by the nineteenth Meeting of States Parties to update document SPLOS/157, which had been prepared by the Secretariat in response to a decision taken by the sixteenth Meeting of States Parties (SPLOS/144) and contained details and facts relating to the workload of the Commission. He encouraged the Commission to provide its insight on the matter.

Item 2
Adoption of the agenda

6. The Chairman proposed the provisional agenda (CLCS/L.27) for consideration by the Commission. The Commission decided to include in provisional agendas of future sessions, as appropriate, the items related to the submissions for which no presentations would be made during the present session. The Commission then approved the agenda as amended (CLCS/63).[1]

Item 3
Organization of work

7. The Chairman outlined the programme of work and the schedule for the deliberations of the Commission. Following a discussion, the Commission agreed on the programme of work, with amendments.

Item 4
Submission made by France in respect of French Guiana and New Caledonia

Report of the Chairman of the Subcommission established to examine the submission made by France regarding the progress of work during the twenty-fourth session

8. The Chairman of the Subcommission, Mr. Carrera, informed the Commission that the Subcommission had completed the consideration of the submission made by France in respect of French Guiana and New Caledonia. During the twenty-fourth session, the Subcommission worked from 17 to 21 August 2009 and held three meetings with the delegation of France. On 18 August 2009, the delegation made a presentation to the Subcommission concerning the additional information it had provided during the intersessional period in response to a request by the Subcommission. On 20 August 2009, the Subcommission informed the delegation of its conclusions and readiness to prepare the recommendations and submit them to the Commission. The delegation requested a follow-up meeting, which was held on the same day, 20 August 2009. At that meeting, the delegation expressed its agreement with the conclusions of the Subcommission. On 28 August 2009, the delegation provided the Subcommission with relevant amendments to the original submission.

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[1] In response to an invitation by the Chairman of the Commission to present their respective submissions at the present session, France (in respect of the French Antilles and the Kerguelen Islands); Yemen (in respect of south-east of Socotra Island); Iceland; Pakistan; Norway (in respect of Bouvetøya and Dronning Maud Land); South Africa (in respect of the mainland of its territory); jointly the Federated States of Micronesia, Papua New Guinea and the Solomon Islands (in respect of the Ontong Java Plateau); jointly France and South Africa (in respect of the Crozet Archipelago and the Prince Edward Islands); France (in respect of La Réunion Island and Saint-Paul and Amsterdam Islands); Palau; and Sri Lanka had indicated their preference to make such presentation at a later session. The postponement of the presentation of the submissions to a later time was communicated to the Chairman of the Commission on the understanding that it would not affect the position of the submissions in the queue.

Consideration of recommendations

9. On 2 September 2009, the Subcommission submitted to the Commission the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the submission made by France in respect of the areas of French Guiana and New Caledonia Polygon on 22 May 2007", and the Chairman of the Subcommission introduced the recommendations by delivering a presentation to the plenary of the Commission, together with Mr. Brekke, Vice-Chairman of the Subcommission.

10. On 2 September 2009, at the request of France, a meeting was held between its delegation and the Commission, pursuant to paragraph 15 (1bis) of annex III to the rules of procedure (CLCS/40/Rev.1).

11. The presentation of France, on behalf of the Overseas Department of French Guiana and of the Territorial Collectivity of New Caledonia, was made by Elie Jarmache, Head of Mission, General Secretariat of the Sea, France. The delegation included several scientific and technical experts. In his presentation, Mr. Jarmache expressed the gratitude of his delegation to the Subcommission established to examine the submission made by France and, in particular, to its Chairman, Mr. Carrera, for the efficient work carried out and to the Division for Ocean Affairs and the Law of the Sea for the support provided.

12. He stated that the delegation of France accepted the outcome of the work conducted by the Subcommission.

13. The Commission then continued its meeting in private and deliberated on the text submitted by the Subcommission. On 2 September 2009, the Commission adopted by consensus the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the submission made by France in respect of the areas of French Guiana and New Caledonia on 22 May 2007". Pursuant to article 6, paragraph 3, of annex II to the Convention, the recommendations, including a summary thereof, were submitted in writing to the coastal State and to the Secretary-General.

Item 5
Submission made by Barbados

Report of the Chairman of the Subcommission established to examine the submission made by Barbados regarding the progress of work during the resumed twenty-third and during the twenty-fourth sessions

14. The Vice-Chairman of the Subcommission, Mr. Croker, informed the Commission that, during the resumed twenty-third session, from 3 to 7 August 2009, the Subcommission continued the examination of the submission, including additional information provided by Barbados during the intersessional period. The Subcommission also submitted to Barbados preliminary considerations regarding certain issues in the Southern and Northern Areas.

15. During the twenty-fourth session, from 10 to 14 August 2009, the Subcommission held three meetings with the delegation of Barbados, on 10, 12 and 14 August 2009, at which the delegation made a number of presentations and the Subcommission made two presentations addressing several outstanding issues. On

14 August, the Subcommission received a table of revised fixed points defining the continental shelf of Barbados, as well as new material for its consideration. Having considered this information, the Subcommission transmitted three new questions to the delegation and decided to continue its consideration of the submission during the intersessional period. To that end, it agreed to meet during a resumed twenty-fourth session, scheduled from 2 to 6 November 2009, during which it intends to provide the delegation with a comprehensive presentation of its views and general conclusions arising from the examination of the submission. Subsequently, the Subcommission would prepare its recommendations to be submitted to the Commission at the plenary of the twenty-fifth session.

Item 6
Submission made by the United Kingdom of Great Britain and Northern Ireland in respect of Ascension Island

Report of the Chairman of the Subcommission established to examine the submission made by the United Kingdom of Great Britain and Northern Ireland regarding the progress of work during the twenty-fourth session

16. The Chairman of the Subcommission, Mr. Awosika, informed the Commission that the Subcommission had met from 10 to 21 August 2009. During that time the Subcommission continued its analysis of the data and other material contained in the submission of the United Kingdom of Great Britain and Northern Ireland. From 18 to 20 August, the Subcommission held three meetings with the delegation of the United Kingdom. On 18 August, the delegation made a presentation on the submission. On 19 August, the Subcommission made a presentation informing the delegation about its views on certain aspects of the submission and on matters of general principle related thereto. On 20 August, the delegation informed the Subcommission that it would provide its response to the Subcommission's presentation during the intersessional period, at the earliest on 1 November 2009. Mr. Awosika informed the Commission that, following consultations with the delegation, the Subcommission decided to meet during a resumed twenty-fourth session from 7 to 11 December 2009. The Subcommission met also from 8 to 11 September, and continued its analysis of the data and other materials contained in the submission.

Item 7
Submission made by Indonesia in respect of North West of Sumatra Island

Report of the Chairman of the Subcommission established to examine the submission made by Indonesia regarding the progress of work during the twenty-fourth session

17. The Chairman of the Subcommission, Mr. Croker, informed the Commission that the Subcommission had met from 17 to 21 August and considered data and information supplied by Indonesia in response to questions raised by the Subcommission. The Subcommission continued its work from 8 to 10 September and held three meetings with the delegation of Indonesia, during which further material and clarifications were provided by the delegation. The Subcommission

agreed to continue its work during the intersessional period and to meet during the twenty-fifth session, from 29 March to 1 April 2010. He indicated that the Subcommission was not sure that it would be in a position to prepare draft recommendations at that time, as this would depend on whether any further data and other material would be provided by the submitting State.

Item 8
Submission made by Japan

18. The Chairman of the Commission recalled that, at its twenty-third session, the Commission had decided that the submission made by Japan would be addressed through the establishment of a subcommission, which would be established after one of the existing subcommissions would have submitted its recommendations to the plenary of the Commission (see CLCS/62, para. 58) . He also recalled that, with regard to the notes verbales that had been received in connection with the submission, the Commission, acknowledging that it had no role on matters relating to the legal interpretation of article 121 of the Convention, had decided that it would revert to the matter when it was ready to proceed with the establishment of the subcommission and taking into account any further developments that might occur during the intervening period (see CLCS/62, para. 59). In that connection, the Chairman referred to the developments that had taken place at the nineteenth Meeting of States Parties (see SPLOS/203, para. 15).

19. At this session, two presentations were made to the Commission in relation to the status of "Oki-no-tori" by Mr. Lu and Mr. Park.

20. The Commission decided that, in order to ensure expediency and efficiency in the light of a large number of submissions, another subcommission might be established as an exception to the general rule contained in the rules of procedure. The Commission proceeded with establishing a subcommission to examine this submission in accordance with the established procedure (see CLCS/42, paras. 19-20). The Subcommission is composed of the following members: Mr. Awosika; Mr. Brekke; Mr. Carrera; Mr. Jaafar; Mr. Jaoshvili; Mr. Oduro; and Mr. Symonds.

21. The Commission requested the Subcommission to meet with a view to organizing its work and electing its officers. The Subcommission met and elected Mr. Brekke as its Chairman and Messrs. Awosika and Carrera as Vice-Chairmen. The Subcommission decided that it would start its consideration of the submission made by Japan from 8 to 11 September 2009.

22. Reverting to matters referred to in note verbales received in connection with the submission, the Commission established a working group under the chairmanship of Mr. Kazmin and consisting of Messrs. Brekke, Carrera, Lu, Park, Symonds and Tamaki, with a view to formulating a draft text. Based on the draft prepared by the working group, the Commission agreed on the following approach.

23. The Commission reiterated that it had no role on matters relating to the legal interpretation of article 121 of the Convention.

24. The Commission recalled that one of its functions is to consider the data and other material submitted by coastal States concerning the outer limits of the continental shelf in areas where those limits extend beyond 200 nautical miles, and to make recommendations in accordance with article 76 and the Statement of

Understanding adopted on 29 August 1980 by the Third United Nations Conference on the Law of the Sea.

25. Therefore, the consideration of submissions by the Commission concerned issues related only to article 76 and annex II to the Convention and was without prejudice to the interpretation or application of other parts of the Convention.

26. Taking into account the communications addressed to the Secretary-General received in relation to the submission, namely a note verbale from China dated 6 February 2009; a note verbale from the Republic of Korea dated 27 February 2009; a note verbale from China dated 24 August 2009, and notes verbales from Japan dated 25 March 2009 and 26 August 2009, as well as the views expressed in the presentation by Japan of its submission at the twenty-third session, the Commission decided to instruct the Subcommission to proceed with the consideration of the full submission of Japan. The Commission decided, however, that it shall not take action on the part of the recommendations prepared by the Subcommission in relation to the area referred to in the notes verbales mentioned above, until the Commission decides to do so.

Report of the Vice-Chairman of the Subcommission established to examine the submission made by Japan regarding the progress of work during the twenty-fourth session

27. Following the plenary part of the session, the Subcommission met under the chairmanship of Mr. Carrera, Vice-Chairman, on 8 September 2009. On that day, the Subcommission also held an initial meeting with the delegation of Japan, which made a series of presentations concerning the submission.

28. The Subcommission decided that its members would continue to work individually on the submission during the intersessional period and to meet during the twenty-fifth session, from 22 March to 1 April, and from 19 to 23 April 2010 and, during the twenty-sixth session, from 2 to 13 August 2010.

Item 9
Joint submission made by the Republic of Mauritius and the Republic of Seychelles in respect of the Mascarene Plateau

29. At the twenty-third session, the Commission decided that the joint submission made by Mauritius and Seychelles would be addressed through the establishment of a subcommission. The Commission, however, did not establish the subcommission for the consideration of the joint submission at that session (see CLCS/62, para. 66).

30. At this session, the Commission decided that a subcommission to consider the joint submission made by Mauritius and Seychelles would not be formed until two of the existing subcommissions[2] had submitted their recommendations to the plenary of the Commission (see CLCS/62, para. 66).

[2] The existing subcommissions are those established to examine the submissions made, respectively, by Barbados, by the United Kingdom of Great Britain and Northern Ireland with respect to Ascension Island; by Indonesia in respect of North West of Sumatra Island; and by Japan.

Item 10
Submission made by Suriname[3]

31. The presentation of the submission to the Commission was made on 24 August 2009 by Henry Leonard MacDonald, Permanent Representative of Suriname to the United Nations, Head of Delegation; Franklyn MacDonald, Extended Shelf Coordinator at the F.H.R. Lim A Po Institute for Social Studies; and Nohar Poeketie, Exploration Geologist, State Oil Company. The delegation of Suriname also included a number of scientific, legal and technical advisers.

32. Franklyn MacDonald stated that Suriname had not received scientific and technical advice with respect to the submission from any member of the Commission.

33. In reference to paragraph 2 (a) of annex I to the rules of procedure (CLSC/40/Rev.1), he informed the Commission that the submission was not the subject of any dispute and pointed out that Suriname consulted its neighbouring States, namely Barbados, France, Guyana, Trinidad and Tobago, and the Bolivarian Republic of Venezuela. He noted that those States had no objections to the consideration of the submission on the part of the Commission. In this connection, he recalled that Barbados, France and Trinidad and Tobago have confirmed this position by notes verbales.

34. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission decided that, as provided for in article 5 of annex II to the Convention and in rule 42 of the rules of procedure, the submission would be addressed by way of a subcommission to be established in accordance with rule 51, paragraph 4 ter, of the rules of procedure, at a future session.

Item 11
Submission made by Myanmar[4]

35. The presentation of the submission to the Commission was made on 24 August 2009 by Min Lawin, Director General, Consular and Legal Affairs Department, Ministry of Foreign Affairs, Co-Head of Delegation; Thint Sann, Party Chief (Seismic); and Myo Mynt Than, Director, Myanmar National Hydrographic Centre, Co-Head of Delegation. The delegation of Myanmar also included a number of scientific, legal and technical advisers.

36. Mr. Lawin indicated that Sivaramakrishnan Rajan, a member of the Commission, had assisted Myanmar by providing scientific and technical advice with respect to the submission.

37. In reference to paragraph 2 (a) of annex I to the rules of procedure, he informed the Commission that the submission was not the subject of any dispute. Commenting on notes verbales from Bangladesh, India, Kenya and Sri Lanka,

[3] Submission made on 5 December 2008; see www.un.org/depts/los/clcs_new/submissions_files/submission_sur.htm.

[4] Submission made on 16 December 2008; see www.un.org/depts/los/clcs_new/submissions_files/submission_mmr.htm.

Mr. Lawin stated that Myanmar was of the view that the Statement of Understanding applied to all States that satisfied the conditions contained therein, and that Myanmar had done so in its presentation.

38. Furthermore, he noted that a Treaty had been signed on 23 December 1986, establishing the maritime boundary with India in the Bay of Bengal and Andaman Sea. Since the Treaty only extended up to 200 nautical miles, Myanmar was ready to further negotiate with India in respect of areas beyond the 200 nautical miles. He also noted that negotiations between Myanmar and Bangladesh were ongoing and, in accordance with article 76, paragraph 10, the submission had been made without prejudice to the question of delimitation of the continental shelf.

39. With regard to the note verbale from Bangladesh, he stated that Bangladesh had the burden of proof to demonstrate that a dispute existed. The unilateral assertion by Bangladesh that a dispute existed was not sufficient.

40. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission took note of the communications addressed to the Secretary-General of the United Nations received in relation to the submission, namely: a note verbale from Sri Lanka dated 2 March 2009; a note verbale from India dated 26 March 2009; a note verbale from Kenya dated 30 April 2009; and a note verbale from Bangladesh dated 23 June 2009. The note verbale from Bangladesh invoked, inter alia, paragraph 5 (a) of annex I of the rules of procedure with reference to disputes in the area of the submission. The Commission also took note of the views expressed in the presentation by Myanmar of its submission in connection with these notes verbales. Taking into account these notes verbales and the presentation made by the delegation, the Commission decided to defer further consideration of the submission and the notes verbales until such time as the submission is next in line for consideration as queued in the order in which it was received. The Commission took this decision in order to take into consideration any further developments that might occur throughout the intervening period during which States may wish to take advantage of the avenues available to them, including provisional arrangements of a practical nature provided for in annex I to its rules of procedure.

Item 12
Submission made by the United Kingdom in respect of Hatton Rockall Area[5]

41. The presentation of the submission to the Commission was made on 25 August 2009 by Christopher Whomersley, Deputy Legal Adviser, Foreign and Commonwealth Office, Head of Delegation, and Lindsay Parson, Head of the Law of the Sea Group at the National Oceanography Centre in Southampton. The delegation of the United Kingdom also included a number of scientific, legal and technical advisers.

42. Mr. Whomersley stated that the United Kingdom had not received scientific and technical advice with respect to the submission from any member of the Commission.

[5] Submission made on 31 March 2009, see www.un.org/depts/los/clcs_new/submissions_files/submission_gbr1.htm.

43. In reference to paragraph 2 (a) of annex I to the rules of procedure, he informed the Commission that the United Kingdom is one of four States which have expressed interest in the continental shelf in the Hatton Rockall Area, together with Denmark, Iceland and Ireland. He informed the Commission that consultations had been held with these States and that, even though no agreement had been reached, the United Kingdom remained committed to further negotiations. He pointed out that Ireland and the United Kingdom reached agreement in 1988 on a bilateral delimitation of the continental shelf and underscored that the United Kingdom did not object to the examination of the submission of Ireland in the Hatton Rockall Area by the Commission.

44. With regard to the note verbale from Denmark, dated 27 May 2009, Mr. Whomersley acknowledged the request by Denmark that the submission made by the United Kingdom be considered simultaneously with the submission of Denmark in respect of the Hatton Rockall Area. In this connection, he stated that even though the United Kingdom believed that the Commission could consider its submission without prejudice to the interests of other States, his Government could support the position of Denmark. For this purpose, he suggested that in the Hatton Rockall Area, the Commission should consider the submissions made by Ireland and the United Kingdom as well as the future submission made by Denmark, only after the latter would be made. He added, however, that this suggestion was made on the understanding that the position in the queue of the submission made by the United Kingdom would be maintained, pending receipt of Denmark's submission.

45. With regard to the note verbale from Iceland, dated 27 May 2009, Mr. Whomersley maintained that in the view of the United Kingdom all submissions in the Hatton Rockall Area should be considered as expeditiously as possible and regretted that, even though Iceland had stated that it intended to make a submission for this area, it had neither done so nor provided indications as to the time frame within which it intends to make it.

46. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission took note of the communications addressed to the Secretary-General of the United Nations received in relation to the submission, namely the above-mentioned notes verbales from Iceland and from Denmark. These notes verbales invoked, inter alia, rule 46 and paragraph 5 (a) of annex I to the rules of procedure with reference to disputes in the area of the submission. The Commission also took note of the views expressed in the presentation by the United Kingdom about its submission in connection with these notes verbales. Taking into account these notes verbales and the presentation made by the delegation, the Commission decided to defer further consideration of the submission and the notes verbales until such time as the submission is next in line for consideration as queued in the order in which it was received. The Commission took this decision in order to take into consideration any further developments that might occur throughout the intervening period during which States may wish to take advantage of the avenues available to them including provisional arrangements of a practical nature as contained in annex I to its rules of procedure.

Item 13
Submission made by Ireland in respect of Hatton Rockall Area[6]

47. The presentation of the submission to the Commission was made on 25 August 2009 by Declan Smyth, Deputy Legal Adviser, Department of Foreign Affairs, Head of Delegation. The delegation of Ireland also included a number of scientific, legal and technical advisers.

48. Mr. Smyth indicated that Peter F. Croker, a member of the Commission, had assisted Ireland by providing scientific and technical advice with respect to the submission.

49. In reference to paragraph 2 (a) of annex I to the rules of procedure, he informed the Commission that details of the submission had been communicated to Denmark, Iceland and the United Kingdom. After expressing Ireland's preference that submissions to the Commission be made after resolving boundary delimitation issues, or agreeing with the parties concerned to set them aside, Mr. Smyth recalled that Ireland was bound to make its submission within the time frame established by the Convention, as interpreted by the Meeting of States Parties in document SPLOS/72, namely in May 2009. He acknowledged that the Commission might be unable to consider a submission in the presence of a dispute without the consent of all parties to it. In this connection, he regretted that Iceland had not given its consent to the consideration of the submission and expressed hope that Iceland will also be in a position to make its submission before or at the time of Denmark's upcoming submission. This would enable the Commission to consider all four submissions in the Hatton Rockall area simultaneously.

50. He informed the Commission that Ireland did not object to the examination by the Commission of the submission already made by the United Kingdom, as well as the future submission to be made by Denmark, in the Hatton Rockall Area.

51. He also informed the Commission that Ireland and the United Kingdom agreed on a maritime boundary on the continental shelf in 1988, but this has not been accepted by Denmark and the Faroes, as well as Iceland, which made overlapping claims. He added that the four States have met regularly since 2001 in an effort to resolve the issues arising from these overlapping claims, but to date have been unable to reach agreement, and that Ireland made this submission within the time period established by the Convention.

52. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission took note of the communications addressed to the Secretary-General of the United Nations received in relation to the submission, namely the note verbale from Iceland dated 27 May 2009 and the note verbale from Denmark dated 27 May 2009. These notes verbales invoked, inter alia, rule 46 and paragraph 5 (a) of annex I to the rules of procedure with reference to disputes in the area of the submission. The Commission also took note of the views expressed in the presentation by Ireland about its submission in connection with these notes verbales. Taking into account these notes verbales and the presentation made by the delegation, the Commission decided to defer further consideration of the submission and the notes verbales until such time as the

[6] Submission made on 31 March 2009, see www.un.org/depts/los/clcs_new/submissions_files/submission_irl1.htm.

submission is next in line for consideration as queued in the order in which it was received. The Commission took this decision in order to take into consideration any further developments that might occur throughout the intervening period during which States may wish to take advantage of the avenues available to them, including provisional arrangements of a practical nature as contained in annex I to its rules of procedure.

Item 14
Submission made by Uruguay[7]

53. The presentation of the submission to the Commission was made on 25 August 2009 by Pedro Vaz Ramela, Head of Delegation, Deputy Minister for Foreign Affairs; Carlos Mate Prates, Head of the Office for Coordination of the Continental Shelf Survey Project; Admiral Manuel Raul Burgons Lezama, Chief of General Staff, Uruguayan Navy.

54. Mr. Mate Prates indicated that Mr. Carrera, a member of the Commission, had assisted Uruguay by providing scientific and technical advice with respect to the submission.

55. In reference to paragraph 2 (a) of annex I to the rules of procedure, he informed the Commission that the submission was not the subject of any dispute. In this connection, he informed the Commission that the delimitation of maritime boundaries between Uruguay and Brazil had been concluded on 12 June 1975, and amended on 29 July 2005 to extend the boundary to the outer limits of their continental shelves. With regard to Argentina, he stated that the Treaty Concerning the Rio de la Plata and the Corresponding Maritime Boundary had been signed on 19 November 1973, and pointed out that the lateral border with Argentina between 200 and 350 nautical miles, defined by provisions of article 70 of that Treaty, had not yet been delineated. The consideration of the Uruguay submission would be without prejudice to the future delimitation of the boundary between the two States.

56. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission decided that, as provided for in article 5 of annex II to the Convention and in rule 42 of the rules of procedure, the submission would be addressed by way of a subcommission to be established in accordance with rule 51, paragraph 4 ter, of the rules of procedure, at a future session.

Item 15
Submission made by the Philippines in the Benham Rise region[8]

57. The presentation of the submission to the Commission was made on 25 August 2009 by Hilario G. Davide Jr., Permanent Representative of the Republic of the Philippines to the United Nations, and Minerva Jean A. Falcon, Ambassador,

[7] Submission made on 7 April 2009; see www.un.org/depts/los/clcs_new/submissions_files/submission_ury_21_2009.htm.

[8] Submission made on 8 April 2009; see www.un.org/depts/los/clcs_new/submissions_files/submission_phl_22_2009.htm.

Department of Foreign Affairs. The delegation of the Philippines also included a number of scientific, legal and technical advisers.

58. Mr. Davide indicated that Mr. Carrera, a member of the Commission, had assisted the Philippines by providing scientific and technical advice with respect to the submission.

59. Ms. Falcon indicated that this submission was a partial one, in accordance with section 3 of annex I to the rules of procedure, on the outer limits of the continental shelf in the Benham Rise region and that the Philippines reserved the right to make future submissions in other areas.

60. In reference to paragraph 2 (a) of annex I to the rules of procedure, Ms. Falcon informed the Commission that the submission was not the subject of any dispute, and that no note verbale of protest concerning the submission from any other coastal State had been made.

61. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission decided that, as provided for in article 5 of annex II to the Convention and in rule 42 of the rules of procedure, the submission would be addressed by way of a subcommission to be established in accordance with rule 51, paragraph 4 ter, of the rules of procedure, at a future session.

Item 16
Submission made by the Cook Islands in respect of the Manihiki Plateau[9]

62. The presentation of the submission to the Commission was made on 26 August 2009 by Terepai Maoate, Deputy Prime Minister, Head of Delegation; Michael Mitchell, Secretary, Ministry of Foreign Affairs and Immigration; Keu Mataroa, Executive Officer, Ministry of Infrastructure and Planning; and Vaipo Mataora, GIS Manager, Ministry of Infrastructure and Planning. The delegation of the Cook Islands also included a number of scientific, legal and technical advisers.

63. Mr. Mitchell indicated that Mr. Symonds, a member of the Commission, had assisted the Cook Islands by providing scientific and technical advice with respect to the submission.

64. In reference to paragraph 2 (a) of annex I, he confirmed that the area of the extended continental shelf described in the submission is not subject to any dispute with any State.

65. With respect to the note verbale from New Zealand, Mr. Mitchell recalled that, while there is a potential outstanding delimitation issue in respect of an area subject to the submission, New Zealand indicated that it has no objections to the Commission considering and making recommendations on the submission made by the Cook Islands.

66. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission decided that, as

[9] Submission made on 16 April 2009; see www.un.org/depts/los/clcs_new/submissions_files/submission_cok_23_2009.htm.

provided for in article 5 of annex II to the Convention and in rule 42 of the rules of procedure, the submission would be addressed by way of a subcommission to be established in accordance with rule 51, paragraph 4 ter, of the rules of procedure, at a future session.

Item 17
Submission made by Fiji[10]

67. The presentation of the submission to the Commission was made on 26 August 2009 by Berenado Vunibobo, Permanent Representative of the Republic of the Fiji Islands to the United Nations, Head of Delegation; Sainivalati S. Navoti, Director, Political and Treaties Division, Ministry of Foreign Affairs; Hen Lun Wong, Senior Marine Geologist, Mineral Resources Department; and Mila Balawa, Deputy Secretary for Foreign Affairs. The delegation of Fiji also included a number of scientific, legal and technical advisers.

68. Mr. Navoti indicated that Mr. Symonds, a member of the Commission, had assisted Fiji by providing scientific and technical advice with respect to the submission.

69. In reference to paragraph 2 (a) of annex I to the rules of procedure, Mr. Vunibobo stated that Fiji has no disputes with any of its neighbouring States. Mr. Navoti recalled that Fiji had not expressed objections against the consideration of the submission made by New Zealand on the part of the Commission. This had been done on the understanding that the submission and any recommendations on it are without prejudice to delimitation. New Zealand confirmed that its submission had been made on the same basis. Mr. Navoti also informed the Commission that Fiji held consultations with Tonga, which agreed not to object to the consideration of the present submission made by the Commission.

70. With respect to the note verbale from New Zealand, Mr. Navoti recalled that New Zealand indicated that it had no objections to the Commission considering and making recommendations on the submission made by Fiji. With respect to the note verbale from Vanuatu, Mr. Balawa reiterated Fiji's position that Fiji has no disputes with any of its neighbouring States regarding maritime boundaries, noting that Vanuatu had not precisely identified the nature of the continental shelf area it claims. In this connection, he recalled that the recommendations of the Commission would be without prejudice to any future delimitation negotiations which Fiji would undertake with its neighbouring States, including Vanuatu.

71. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission took note of the communications addressed to the Secretary-General of the United Nations received in relation to the submission, namely one of the notes verbales from New Zealand dated 29 June 2009 and the note verbale from Vanuatu dated 12 August 2009. The latter invoked, inter alia, paragraph 5 (a) of annex I to the rules of procedure with reference to disputes in the area of the submission. The Commission also took note of the views expressed in the presentation by Fiji of its submission in connection with these notes verbales. Taking into account these notes verbales and the

[10] Submission made on 20 April 2009; see www.un.org/depts/los/clcs_new/submissions_files/submission_fji_24_2009.htm.

presentation made by the delegation, the Commission decided to defer further consideration of the submission and the notes verbales until such time as the submission is next in line for consideration as queued in the order in which it was received. The Commission took this decision in order to take into consideration any further developments that might occur throughout the intervening period during which States may wish to take advantage of the avenues available to them including provisional arrangements of a practical nature as contained in annex I to its rules of procedure.

Item 18
Submission made by Argentina[11]

72. The presentation of the submission to the Commission was made on 26 August 2009 by Jorge Argüello, Permanent Representative of Argentina to the United Nations, Head of Delegation; Rafael M. Grossi, General Director of Political Coordination, Ministry of Foreign Affairs; Frida M. Armas Pfirter, General Coordinator of the Comisión Nacional del Límite Exterior de la Plataforma Continental (COPLA), and Marcelo Paterlini, Geophysicist. The delegation of Argentina also included a number of scientific, legal and technical advisers.

73. Mr. Grossi noted that the submission was a full submission covering the natural prolongation of Argentina appurtenant to the continent, the islands and the Argentine Antarctic Sector. He noted that, as stated in its note of 21 April 2009, Argentina took into account the circumstances of the region south of 60°S and that the Commission could not, in accordance with its rules of procedure, take any action, for the time being, with regard to the part of the submission that related to the continental shelf appurtenant to the Argentine Antarctic Sector.

74. In reference to paragraph 2 (a) of annex I to the rules of procedure, he informed the Commission that there is an area which falls under the purview of rule 46 of the rules of procedure. He informed the Commission that Argentina asserts "its legitimate and imprescriptible sovereignty over Islas Malvinas, Georgias del Sur and Sandwich del Sur and the corresponding island and maritime areas as they are part of the national territory" and that it expressed reservation over the note verbale from the United Kingdom dated 6 August 2009, about which Argentina would later make a timely statement.[12]

75. As stated in the executive summary of the submission, Mr. Astiz, a member of the Commission, had provided advice to COPLA in the preparation of the submission.

76. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission took note of the note verbale from the United Kingdom dated 6 August 2009. The Commission also took note of the views expressed in the presentation by Argentina of its submission in connection with this note verbale. Taking into consideration this note verbale and

[11] Submission made on 21 April 2009; see www.un.org/depts/los/clcs_new/submissions_files/submission_arg_25_2009.htm.

[12] Note by the secretariat: a dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Falkland Islands (Malvinas).

the presentation made by the delegation, the Commission decided that, in accordance with its rules of procedure, it was not in a position to consider and qualify those parts of the submission that are subject to dispute. The Commission decided that it will instruct the Subcommission, once established in accordance with rule 51, paragraph 4 ter, of the rules of procedure, at a future session, to act accordingly.

77. The Commission then took note of the following notes verbales on the issue of the area appurtenant to Antarctica: (a) the note verbale from Argentina dated 21 April 2009; (b) the note verbale from the United Kingdom dated 6 August 2009; (c) the note verbale from the United States of America dated 19 August 2009; and (d) the note verbale from the Russian Federation dated 24 August 2009. The Commission also took note of the views expressed in the presentation by Argentina of its submission in connection with these notes verbales. Taking into consideration these notes verbales and the presentation made by the delegation, the Commission decided that, in accordance with the rules of procedure, it was not in a position to consider and qualify the part of the submission that relates to the continental shelf appurtenant to Antarctica. The Commission decided that it will instruct the Subcommission, once established, to act accordingly.

Item 19
Submission made by Ghana[13]

78. The presentation of the submission to the Commission was made on 26 August 2009 by Alhaji Collins Dauda, Minister for Lands and Natural Resources, Chairman of the Ministerial Oversight Committee, Head of Delegation, and Lawrence Apaalse, Geologist, Project Coordinator, Ghana National Petroleum Corporation. The delegation of Ghana also included a number of scientific, legal and technical advisers.

79. Ghana had not received scientific and technical advice with respect to the submission from any member of the Commission.

80. In reference to paragraph 2 (a) of annex I to the rules of procedure, Mr. Dauda also informed the Commission that Ghana had held consultations with Benin, Côte d'Ivoire, Nigeria and Togo concerning adjacent and opposite maritime boundaries. During such consultations those States agreed that they would continue to discuss the issue of maritime boundaries to arrive at a final delimitation after the presentation of either submissions or preliminary information, for this purpose they would individually address notes verbales expressing their intention not to object to their respective submissions.[14] In this connection, he added that the submission made by Ghana is without prejudice to the delimitation of boundaries with Benin, Côte d'Ivoire, Nigeria and Togo.

81. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission decided that, as provided for in article 5 of annex II to the Convention and in rule 42 of the rules of procedure, the submission would be addressed by way of a subcommission to be

[13] Submission made on 28 April 2009; see www.un.org/depts/los/clcs_new/submissions_files/submission_gha_26_2009.htm.

[14] A note verbale to this effect has been transmitted by Nigeria.

established in accordance with rule 51, paragraph 4 ter, of the rules of procedure, at a future session.

Item 20
Submission made by Denmark in the area north of the Faroe Islands[15]

82. The presentation of the submission to the Commission was made on 27 August 2009 by Bjørn Kunoy, Legal Adviser, Ministry of Foreign Affairs of the Faroe Islands, Head of Delegation and Martin Vang Heinesen, Article 76 Project Manager, Faroese Earth and Energy Directorate. The delegation of Denmark also included a number of scientific, legal and technical advisers.

83. Mr. Kunoy indicated that Denmark had not received scientific and technical advice with respect to the submission from any member of the Commission.

84. In reference to paragraph 2 (a) of annex I to the rules of procedure, he informed the Commission that some unresolved questions remain in relation to delimitation of the continental shelf in the area beyond 200 nautical miles from the baselines of the Faroe Islands, mainland Norway, Iceland, Jan Mayen, Greenland and Svalbard, referred to as the Banana Hole. He added that, on 20 September 2006, Denmark, Iceland and Norway agreed on a procedure for determining future delimitation lines in the southern part of the Banana Hole. According to the agreed procedure, which was without prejudice to the work of the Commission, each State would, when submitting its documentation concerning the outer limits of the continental shelf in the southern part of the Banana Hole, request that the Commission consider the documentation and make recommendations on this basis. As a result, when one State would submit documentation to the Commission, the other States would notify the Secretary-General of the United Nations that they did not object to the Commission considering the documentation and making recommendations on this basis. He further noted that the recommendations of the Commission would be without prejudice to the submission of documentation by these States at a later stage or to the question of bilateral delimitations of the continental shelf between these States. With respect to the notes verbales from Iceland and Norway, Mr. Kunoy recalled that none of these States objected to the Commission's consideration of the submission. He also stated that there were no disputes related to the submission.

85. He concluded by referring to the presentation made by the Chairman of the Commission at the nineteenth Meeting of States Parties to the Convention on the issue of workload of the Commission and stated that Denmark would cooperate with other States Parties in order to find a solution to that issue.

86. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission decided that, as provided for in article 5 of annex II to the Convention and in rule 42 of the rules of procedure, the submission would be addressed by way of a subcommission to be established in accordance with rule 51, paragraph 4 ter, of the rules of procedure, at a future session.

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[15] Submission made on 29 April 2009; see www.un.org/depts/los/clcs_new/submissions_files/submission_dnk_28_2009.htm.

Item 21
Joint submission made by Malaysia and Viet Nam in respect of the southern part of the South China Sea[16]

87. The presentation of the submission to the Commission was made on 27 August 2009 by Noor Farida Ariffin, Director-General, Research, Treaties and International Law Department, Ministry of Foreign Affairs, Head of Malaysian delegation; Huynh Minh Chinh, Vice-Chairman, National Boundary Committee, Ministry of Foreign Affairs and Head of the Socialist Republic of Viet Nam delegation; Tran Thanh Hai, Associate Dean, Faculty of Geology, Hanoi University of Mining and Geology; and Vijayan Rajan, Head of Marine Geology, Minerals and Geoscience Department, Malaysia. The delegations of Malaysia and Viet Nam also included a number of scientific, legal and technical advisers.

88. Ms. Ariffin indicated that Mr. Jaafar, a member of the Commission, had assisted Malaysia and Viet Nam by providing scientific and technical advice with respect to the submission.

89. She also indicated that the joint submission was a partial submission with respect to the two States, and that Malaysia and Viet Nam may make further submissions either jointly or unilaterally in respect of other areas.

90. In reference to paragraph 2 (a) of annex I to the rules of procedure, she informed the Commission that there are unresolved disputes in the area covered by the submission, and stated that the submission does not prejudice matters relating to the delimitation of boundaries between States with opposite or adjacent coasts. She also indicated that the two States had undertaken efforts to obtain notes verbales by other relevant coastal States stating their intention not to object to the examination of the submission made by the Commission.

91. With respect to the notes verbales from China and the Philippines, Ms. Ariffin noted that the responding notes verbales of both Malaysia and Viet Nam stated that the joint submission was a legitimate undertaking in the implementation of each State's obligations as States Parties to the Convention. She noted that, furthermore, the note verbale from Viet Nam, in response to the note verbale from China, stated that China's claim over the islands and adjacent waters in the Eastern Sea (South China Sea) had no legal, historical or factual basis. It was also recalled that the note verbale from Malaysia, in response to the note verbale from the Philippines, pointed out that, according to the separate opinion appended by Judge ad hoc Franck to the Judgment of the International Court of Justice, dated 23 October 2001, in the *Case Concerning Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia) — Application by the Philippines for Permission to Intervene*, the Philippines' claim to North Borneo had no basis under contemporary international law. Both Ms. Ariffin and Mr. Chinh emphasized that the submission was without prejudice to the question of delimitation between States and that paragraph 5 (a) of annex I of the rules of procedure should not be invoked.

92. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission took note of the communications addressed to the Secretary-General of the United Nations received

[16] Submission made on 6 May 2009; see www.un.org/depts/los/clcs_new/submissions_files/submission_mysvnm_33_2009.htm.

in relation to the submission, namely one of the notes verbales from China dated 7 May 2009; the note verbale from Viet Nam dated 8 May 2009; the note verbale from Malaysia dated 20 May 2009; the note verbale from the Philippines dated 4 August 2009; the note verbale from Viet Nam dated 18 August 2009; the note verbale from Malaysia dated 21 August 2009; and the note verbale from China dated 25 August 2009, which was circulated to the members of the Commission at the request of China. The notes verbales from China and the Philippines invoked, inter alia, paragraph 5 (a) of annex I to the rules of procedure with reference to disputes in the area of the submission. The Commission also took note of the views expressed in the presentation by Malaysia and Viet Nam of their joint submission in connection with these notes verbales. Taking into account these notes verbales and the presentation made by the delegations, the Commission decided to defer further consideration of the submission and the notes verbales until such time as the submission is next in line for consideration as queued in the order in which it was received. The Commission took this decision in order to take into consideration any further developments that might occur throughout the intervening period during which States may wish to take advantage of the avenues available to them including provisional arrangements of a practical nature as contained in annex I to its rules of procedure.

Item 22
Submission made by Kenya[17]

93. The presentation of the submission to the Commission was made on 3 September 2009 by Wanjuki Muchemi, Solicitor General, Head of the Delegation; Juster Nkoroi, Chairperson, Task Force on Delineation of Kenya's Outer Continental Shelf; and Simon Njuguna, Geologist and GIS specialist. The delegation of Kenya also included a number of scientific, legal and technical advisers.

94. Mr. Muchemi indicated that Mr. Brekke, a member of the Commission, had assisted Kenya by providing scientific and technical advice with respect to the submission.

95. In reference to paragraph 2 (a) of annex I to the rules of procedure, Ms. Nkoroi informed the Commission that there are no unresolved disputes relating to the submission of Kenya. She also informed the Commission that Kenya had concluded a Maritime Boundary Agreement with the United Republic of Tanzania on 23 June 2009, which applies to their territorial waters, exclusive economic zone and continental shelf. She pointed out that the Agreement is also applicable to the extended continental shelf, after its outer limits are established. She added that, pending negotiations with the Transitional Federal Government of the Republic of Somalia, provisional arrangements of a practical nature had been entered into, in accordance with article 83, paragraph 3, of the Convention. These arrangements are contained in a memorandum of understanding signed on 7 April 2009, whereby the parties undertake not to object to the examination of their respective submissions. In this connection, Ms. Nkoroi pointed out that one of the notes verbales from Somalia dated 19 August 2009 was consistent with the memorandum of understanding and

[17] Submission made on 6 May 2009; see www.un.org/depts/los/clcs_new/submissions_files/submission_ken_35_2009.htm.

confirmed that, at an appropriate time, a mechanism will be established to finalize the maritime boundary negotiations with Somalia.

96. Ms. Nkoroi stated that, in the view of the Government of Kenya, the principles contained in the Statement of Understanding can apply whenever a State is able to demonstrate the existence of the special conditions envisaged in the Statement. In this connection, she recalled the note verbale from Sri Lanka dated 22 July 2009, according to which "[...] the principal State referred to in paragraph 3 of the Statement of Understanding is Sri Lanka", emphasizing that neither the Convention nor the Statement of Understanding make any reference to a "principal State". She also recalled that the note verbale from Sri Lanka does not object to the consideration of the submission made by Kenya under annex I of the rules of procedure.

97. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission decided that, as provided for in article 5 of annex II to the Convention and in rule 42 of the rules of procedure, the submission would be addressed by way of a subcommission to be established in accordance with rule 51, paragraph 4 ter, of the rules of procedure, at a future session. The Commission decided to revert to the consideration of the submission at the plenary level at the time when the submission is next in line for consideration as queued in the order in which it was received.

Item 23
Submission made by Mauritius in the region of Rodrigues Island[18]

98. The presentation of the submission to the Commission was made on 31 August 2009 by Jagdish Koonjul, Ambassador, Ministry of Foreign Affairs, Regional Integration and International Trade, Head of Delegation; Aruna Narain, Assistant Solicitor General, Attorney General's Office; A. Chan Chin Yuk, Associate Professor, University of Mauritius; and Reza Badal, Principal Scientist, Mauritius Oceanography Institute. The delegation of Mauritius also included Somduth Soborun, Permanent Representative of Mauritius to the United Nations, and a number of scientific, legal and technical advisers.

99. Ms. Narain indicated that Mr. Brekke and Mr. Fagoonee, members of the Commission, had assisted Mauritius by providing scientific and technical advice with respect to the submission.

100. In reference to paragraph 2 (a) of annex I to the rules of procedure, she informed the Commission that the submission was not the subject of any dispute.

101. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission decided that, as provided for in article 5 of annex II to the Convention and in rule 42 of the rules of procedure, the submission would be addressed by way of a subcommission to be established in accordance with rule 51, paragraph 4 ter, of the rules of procedure, at a future session.

[18] Submission made on 6 May 2009; see www.un.org/depts/los/clcs_new/submissions_files/submission_mus_36_2009.htm.

Item 24
Submission made by Viet Nam in respect of the North Area (VNM-N)[19]

102. The presentation of the submission to the Commission was made on 28 August 2009 by Huynh Minh Chinh, Vice-Chairman, National Boundary Committee, Ministry of Foreign Affairs, Head of Delegation; and Tran Thanh Hai, Associate Dean, Faculty of Geology, Hanoi University of Mining and Geology. The delegation of Viet Nam also included a number of scientific, legal and technical advisers.

103. Mr. Chinh noted that the submission of Viet Nam in respect of the North Area was a partial submission and that it was one of a number of submissions that Viet Nam intended to make to the Commission.

104. In reference to paragraph 2 (a) of annex I to the rules of procedure, he informed the Commission that there is a common understanding that the area of continental shelf which is the subject of the submission is of overlapping interest by several coastal States, but that Viet Nam is of the view that the area is not the subject of any overlap and dispute. He added that the submission is without prejudice to the maritime delimitation between Viet Nam and other relevant coastal States. He further indicated that Viet Nam had undertaken efforts to obtain notes verbales by other relevant coastal States stating their intention not to object to the examination of the submission made by the Commission.

105. With respect to the notes verbales from China, dated 7 May 2009, and the Philippines, dated 4 August 2009, Mr. Chinh stated that the submission was a legitimate undertaking in the implementation of Viet Nam's obligations as a State Party to the Convention. He further noted that the Hoang Sa (Paracel) and Truong Sa (Spratly) archipelagos were a part of Viet Nam's territory and that Viet Nam has indisputable sovereignty over the archipelagos. Finally, he highlighted that the submission was without prejudice to the question of delimitation between States and that paragraph 5 (a) of annex I of the rules of procedure should not be invoked.

106. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission took note of the communications addressed to the Secretary-General of the United Nations received in relation to the submission, namely one of the notes verbales from China dated 7 May 2009; the note verbale from Viet Nam dated 8 May 2009; one of the notes verbales from the Philippines dated 4 August 2009; and the note verbale from Viet Nam dated 18 August 2009. The notes verbales from China and the Philippines invoked, inter alia, paragraph 5 (a) of annex I to the rules of procedure with reference to disputes in the area of the submission. The Commission also took note of the views expressed in the presentation by Viet Nam of its submission in connection with these notes verbales. Taking into account these notes verbales and the presentation made by the delegation, the Commission decided to defer further consideration of the submission and the notes verbales until such time as the submission is next in line for consideration as queued in the order in which it was received. The Commission took this decision in order to take into consideration any further developments that might occur throughout the intervening period during

[19] Submission made on 7 May 2009; see www.un.org/depts/los/clcs_new/submissions_files/submission_vnm_37_2009.htm.

which States may wish to take advantage of the avenues available to them, including provisional arrangements of a practical nature as contained in annex I to its rules of procedure.

Item 25
Submission made by Nigeria[20]

107. The presentation of the submission to the Commission was made on 28 August 2009 by Michael Aondoakaa, Attorney General and Minister of Justice, Head of Delegation, and Aliyu Omar, Director, National Boundary Commission. The delegation of Nigeria also included U. Joy Ogwu, Permanent Representative of Nigeria to the United Nations, and a number of scientific, legal and technical advisers.

108. Mr. Aondoakaa indicated that Mr. Awosika and Mr. Carrera, members of the Commission, had assisted Nigeria by providing scientific and technical advice with respect to the submission.

109. In reference to paragraph 2 (a) of annex I to the rules of procedure, after recalling that the submission was made without prejudice to maritime boundary delimitation with neighbouring States with opposite or adjacent coasts, Mr. Aondoakaa informed the Commission that Nigeria had held consultations with the Government of its neighbouring States with the aim to prevent any obstacles to the implementation of article 76 on the part of Nigeria. In this connection, he referred to a meeting held under the auspices of the Economic Community of West African States (ECOWAS) in Accra, Ghana, from 24 to 26 February 2009. That meeting had been attended by representatives from Benin, Côte d'Ivoire, Ghana, Nigeria and Togo, who reached the following common understanding: "[i]ssues of the limit of adjacent/opposite boundaries shall continue to be discussed in a spirit of cooperation to arrive at a definite delimitation even after the presentation of the preliminary information/submission. Member States would, therefore, write 'no objection' note to the submission of their neighbours". He recalled that the Government of Ghana had transmitted such a note verbale, dated 28 July 2009, and that no State had presented notes verbales informing the Commission about any maritime or land disputes relating to the Nigerian submission. Nigeria, therefore, concluded that there are no disputes in the region relevant to this submission.

110. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission decided that, as provided for in article 5 of annex II to the Convention and in rule 42 of the rules of procedure, the submission would be addressed by way of a subcommission to be established in accordance with rule 51, paragraph 4 ter, of the rules of procedure, at a future session.

[20] Submission made on 7 May 2009; see www.un.org/depts/los/clcs_new/submissions_files/submission_nga_38_2009.htm.

Item 26
Submission made by Seychelles concerning the Northern Plateau Region[21]

111. The presentation of the submission to the Commission was made on 31 August 2009 by Ronald Jumeau, Permanent Representative of the Republic of Seychelles to the United Nations, Head of Delegation; Raymond Chang Tave, Special Adviser, International Boundaries, Ministry of National Development; Patrick Samson, Senior Geologist, Seychelles Petroleum Company; Francis Cœur de Lion, Director of the GIS and Information Technology Support Services, Ministry of National Development; Patrick Joseph, Geophysicist and Exploration Manager, Seychelles Petroleum Company.

112. Mr. Jumeau indicated that Mr. Brekke and Mr. Rosette, members of the Commission, had assisted Seychelles by providing scientific and technical advice with respect to the submission.

113. In reference to paragraph 2 (a) of annex I to the rules of procedure, he informed the Commission that the submission was not the subject of any dispute.

114. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission decided that, as provided for in article 5 of annex II to the Convention and in rule 42 of the rules of procedure, the submission would be addressed by way of a subcommission to be established in accordance with rule 51, paragraph 4 ter, of the rules of procedure, at a future session.

Item 27
Submission made by Côte d'Ivoire[22]

115. The presentation of the submission to the Commission was made on 28 August 2009 by Youssouf Bakayoko, Minister for Foreign Affairs, Head of Delegation, and Dr. Ya Nertin Daouda, Director of Geology, Ministry of Mines and Energy. The delegation of Côte d'Ivoire also included a number of scientific, legal and technical advisers.

116. Mr. Bakayoko indicated that no member of the Commission had assisted Côte d'Ivoire by providing scientific and technical advice with respect to the submission.

117. In reference to paragraph 2 (a) of annex I to the rules of procedure, he informed the Commission that Côte d'Ivoire had held consultations with Benin, Ghana, Nigeria and Togo concerning adjacent and opposite maritime boundaries. During such consultations those States agreed that they would continue to discuss the issue of maritime boundaries to arrive at a final delimitation, after the presentation of their submissions or preliminary information. Further, they would individually address notes verbales expressing their intention not to object to their respective submissions. In this connection, he added that the submission made by

[21] Submission made on 7 May 2009; see www.un.org/depts/los/clcs_new/submissions_files/submission_syc_39_2009.htm.

[22] Submission made on 8 May 2009; see www.un.org/depts/los/clcs_new/submissions_files/submission_civ_42_2009.htm.

Côte d'Ivoire is without prejudice to the delimitation of boundaries with Benin, Ghana, Nigeria and Togo, and that the note verbale from Ghana reflected the above agreement, by indicating that the submission made by Côte d'Ivoire did not prejudice future delimitation of maritime boundaries.

118. Mr. Bakayoko stated that Côte d'Ivoire reserved the right to make future submissions concerning other sections of its continental margin.

119. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission decided that, as provided for in article 5 of annex II to the Convention and in rule 42 of the rules of procedure, the submission would be addressed by way of a subcommission to be established in accordance with rule 51, paragraph 4 ter, of the rules of procedure, at a future session.

Item 28
Report of the Chairman of the Commission on the nineteenth Meeting of States Parties to the United Nations Convention on the Law of the Sea

120. The Chairman informed the Commission of the outcome of the nineteenth Meeting of States Parties to the Convention, in particular the exchanges of views concerning article 121 of the Convention and the agreed outcome concerning the workload of the Commission (SPLOS/203, para. 95). He informed the Commission that, pursuant to the agreed outcome, the bureau had already established an informal working group.[23]

121. The Chairman also informed the Commission that he had met with the bureau of the Meeting of States Parties on 21 August, upon their invitation, to further exchange views on issues related to the workload of the Commission. On that occasion, the Chairman had reiterated the following points: the need for medical insurance; the need to establish mechanisms for the compensation of loss of income; the possibility to extend the use of the trust fund to all members of the Commission; and the possibility to establish a dedicated and permanent secretariat to service the Commission.

122. The Commission took note of the agreed outcome of the Meeting and decided that, until new arrangements improving the working conditions of the Commission and its members were in place, the work of the Commission would continue in the existing manner consistent with its rules of procedure.

123. It was also pointed out that some States had interpreted the presentation by the Chairman to the nineteenth Meeting of States Parties as providing established timelines for the examination of the submissions received by the Commission. The Commission clarified that those dates merely represented projections, as was expressly stated by the Chairman during the presentation at the nineteenth Meeting of States Parties, to illustrate how the current working arrangements may impact the consideration of the queued submissions.

[23] The first meeting of the working group was held on 24 August 2009.

124. The Director of the Division invited the Commission to provide views on further improvement of its working methods in order to promptly and effectively deal with the increased workload. Such inputs would be utilized in updating document SPLOS/157, as mandated by the Meeting of States Parties. Some suggestions included the modification of the terms of reference of the Trust Fund for the purpose of defraying the cost of participation of the members of the Commission from developing States in the meetings of the Commission or the establishment of a separate Trust Fund that would allow the provision of financial assistance to all members.

125. Following a request emanating from the first meeting of the informal working group facilitated by the bureau of the nineteenth Meeting of States Parties, the members of the Commission met with the bureau on 1 September 2009. Mr. Somduth Soborun (Mauritius), President of the nineteenth Meeting of States Parties, Mr. Bae Byeong-soo (Republic of Korea), Mr. Eden Charles (Trinidad and Tobago), and Ms. Emilena Popova (Bulgaria) attended that meeting. Mr. Carrera delivered a presentation prepared by the Commission concerning its workload.[24] The presentation was followed by an exchange of views and suggestions on possible ways forward. The President of the nineteenth Meeting expressed his appreciation for the presentation and for the opportunity to meet with the Commission, noting that it was important that the challenges posed by the workload were brought to the attention of States Parties and that they would need to be addressed.

Item 29
Report of the Chairman of the Committee on Confidentiality

126. The Chairman of the Committee on Confidentiality, Mr. Croker, reported that the Committee had held no meetings during the twenty-fourth session, since no circumstances had arisen requiring such a meeting.

Item 30
Report of the Chairman of the Editorial Committee

127. The Chairman of the Editorial Committee, Mr. Jaafar, reported that no meetings of the Committee had been held during the twenty-fourth session.

Item 31
Report of the Chairman of the Scientific and Technical Advice Committee

128. The Chairman of the Scientific and Technical Advice Committee, Mr. Symonds, stated that, following the requests made at the twenty-third session to Commission members to provide new or updated biographic notes (see CLCS/62, para. 71) and information regarding those coastal States to which the member had provided, or were providing, scientific and technical advice (see CLCS/62, para. 75), seven members had transmitted such biographic notes or information. The

[24] The text of that presentation is available on the website of the Division for Ocean Affairs and the Law of the Sea, www.un.org/Depts/los.

new and updated biographic notes have been made available on the website of the Division.

129. The Chairman pointed out that the biographic notes of members would assist States which might request scientific and technical advice for the preparation of submissions.

130. The Chairman reiterated his appeal to members to provide information regarding coastal States to which they had provided advice, as such information would assist the Commission, inter alia, in the establishment of subcommissions as provided for in chapter X of the rules of procedure.

Item 32
Report of the Chairman of the Training Committee and other training issues

131. The Chairman of the Committee, Mr. Carrera, informed the Commission that the Training Committee held no meetings during the twenty-fourth session. He emphasized that the Committee remained available to prepare further training material, in collaboration with the Division.

132. Under this agenda item, the Secretary of the Commission indicated that, at the moment, the Division was not planning any training activities, but remained open to requests from individual States, or regions and subregions, to conduct training courses on the preparation of a submission to the Commission regarding the outer limits of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

Item 33
Other matters

Election of the officers of the Commission and its subsidiary bodies

133. In conformity with rule 13 of the rules of procedure, the officers of the Commission are elected for a term of two-and-a-half years and are eligible for re-election. The current term of office of the officers of the Commission expires in December 2009. Therefore, the Chairman invited members of the Commission to consult and to submit nominations for a Chairman and four Vice-Chairmen.

134. Following consultations, Mr. Albuquerque was nominated as Chairman and Messrs. Awosika, Brekke, Kazmin and Park as Vice-Chairmen. In the absence of any other nominations, the Commission re-elected them as the officers of the Commission for the next two-and-a-half-year term by acclamation.

135. The Commission then proceeded to re-elect the officers of its subsidiary bodies by acclamation as follows: Mr. Jaafar was re-elected as Chairman, and Messrs. Croker and Rajan were re-elected as Vice-Chairmen of the Editorial Committee; Mr. Croker was re-elected as Chairman, and Messrs. Rosette and Tamaki were re-elected as Vice-Chairmen of the Committee on Confidentiality; Mr. Symonds was re-elected as Chairman and Messrs. Kalngui and Rajan were re-elected as Vice-Chairmen of the Scientific and Technical Advice Committee; Mr. Carrera was re-elected as Chairman, and Messrs. Oduro and Park were

re-elected as Vice-Chairmen of the Training Committee. Their terms of office would commence in December 2009 and expire in June 2012.

Resumed twenty-fourth and twenty-fifth sessions of the Commission

136. The Commission decided that it would resume its twenty-fourth session to allow the Subcommission established to examine the submission made by Barbados to meet from 2 to 6 November 2009 and the Subcommission established to examine the submission made by the United Kingdom in respect of Ascension Island to meet from 7 to 11 December 2009.

137. Recalling that the plenary part of the twenty-fifth session would be held from 5 to 16 April 2010, subject to approval by the General Assembly, the Commission decided that the Subcommission established to examine the submission made by the United Kingdom in respect of Ascension Island would meet from 15 to 19 March; the Subcommission established to examine the submission made by Japan would meet from 22 March to 1 April and from 19 to 23 April; the Subcommission established to examine the submission made by Indonesia would meet from 29 March to 1 April; the Subcommission established to examine the submission made by Barbados would meet from 29 March to 1 April, if needed; and that, should new subcommissions be established at that session, they would meet from 19 to 23 April.

138. Recalling that the plenary part of the twenty-sixth session would be held from 16 to 27 August 2010, subject to approval by the General Assembly, the Commission decided that the Subcommission established to examine the submission made by Japan would meet from 2 to 13 August. Decisions on the dates for meetings to be held by subcommissions that might be established at the twenty-fifth or twenty-sixth session would be made during those sessions.

Trust funds

139. The Director informed the Commission about the status of the trust fund for the purpose of defraying the cost of participation of the members of the Commission from developing States in the meetings of the Commission. According to the provisional statement of accounts, as at the end of July 2009, the balance of the trust fund was approximately $432,000.

140. He also provided an overview of the status of the trust fund for the purpose of facilitating the preparation of submissions, indicating that its balance as at the end of July 2009 was approximately $892,000.

Conferences of interest to the Commission

141. The Commission was informed that the African Union had sent an invitation to the Chairman requesting a member of the Commission to make a presentation at the Pan African Conference on Maritime Boundary Delimitation and the Continental Shelf, to be held in Accra, Ghana, from 9 to 10 November 2009, on matters related to the submission and post-submission processes on continental shelf claims beyond 200 nautical miles. The Chairman agreed that Mr. Awosika would make a presentation at the conference in his personal capacity.

Statement by the Legal Counsel

142. The Legal Counsel, Ms. Patricia O'Brien, addressed the Commission on the last day of the plenary part of the session. She noted the volume of submissions received by the Commission since the twenty-third session and made reference to the consideration of the workload of the Commission by the nineteenth Meeting of States Parties and its intersessional working group established. She also noted that the Commission had provided its input to the bureau of the Meeting of States Parties, which coordinates the working group. Ms. O'Brien observed that submitting States are interested in having their respective submissions considered expeditiously and in receiving the recommendations from the Commission as early as possible, in view of the considerable efforts and investments made to prepare their submission. She concluded her remarks by stating that, as the current working methods may require courageous changes, the Secretariat is ready to explore possible options in close cooperation with member States in the context of the informal working group established by the Meeting of States Parties.

Conclusion

143. The Commission noted with appreciation the high standard of secretariat services rendered to it by the Division. It expressed its appreciation to the staff of the Division and other members of the Secretariat for the assistance provided to the Commission during the twenty-fourth session, and noted the high professional standards of interpretation in the official languages of the United Nations and the assistance provided by the conference-room officers.